IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED
NOV 2 2 2005

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HENRY D. BURTON,)
Petitioner,	Civil Action No. 7:05CV00360
V.) FINAL ORDER
COMMONWEALTH OF VIRGINIA, Respondent.) By: Hon. Glen E. Conrad) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the petition for writ of habeas corpus filed by the petitioner shall be **DISMISSED** and the petitioner's motion for summary judgment shall be **DENIED**.

The Clerk is directed to strike the case from the active docket of the court. The Clerk is further directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 224 day of November, 2005.

United States District Judge